

Minutes
Bar Harbor Planning Board
August 5, 2009
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:00 p.m.

Members Present: Kevin Cochary, Chair; Lynn Williams, Vice Chair; Buck Jardine, Secretary; Kay Stevens-Rosa, member. Also present: Anne Krieg, Planning Director; Brian Madigan, Staff Planner; Lee Bragg, Town Attorney.

II. EXCUSED ABSENCES

There were none.

III. ADOPTION OF THE AGENDA

Ms. Williams moved to amend the agenda to review SP-09-05 first. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

July 15, 2009 meeting

Mr. Jardine moved to approve the minutes as submitted. Ms. Stevens-Rosa seconded the motion. The Board voted 3-0-1 in favor of the motion with Ms. Williams abstaining.

V. REGULAR BUSINESS

**A. Completeness Review – SP-09-05 – Proposed Verizon Wireless
Telecommunications Facility**

Project Location: 854 State Highway 3 Bar Harbor Tax Map 202, Lot 061

Applicant: Verizon Wireless

Application: Construct a wireless telecommunications facility at 854 State Highway 3 (also known as the Sweet Pea Farm)

Scott Anderson and Chip Fredette, representatives for the applicant, gave background to the proposed project. Mr. Anderson stated that he had two amendments to the application before the Board. He stated that the tower should measure 120' in height and that the Radio Frequency (RF) report has been altered to reflect the correct height. He then submitted a copy of this report to the Board.

Mr. Anderson described the details of the project in greater depth.

Mr. Fredette added that the tower would provide both voice and data transmission.

The applicant stated there would be no lighting on the tower, and that the only lighting would from a motion sensing light on the equipment shelter.

The applicant clarified the aesthetic appearance of the tower and passed out pictures of what the tower would look like to the Board.

Mr. Jardine asked the applicant to clarify if the tower would have any negative impacts to nesting birds. The applicant responded that they would look into this matter further.

Mr. Cochary requested that the Board perform a site visit. The Board determined that the applicant would coordinate the date of the site visit with Planning Staff.

Mr. Fredette and Mr. Anderson provided a definition of what a typical view shed analysis entails. They asked the Board to determine additional points of interest they would like to see included in the analysis. Mr. Cochary stated that the Seabury Drive neighborhood and Route 3 corridor might be of concern.

Mr. John Kelly, the Planner for Acadia National Park, stated concerns that the Park has with visual aspects of the proposal. He stated that the Northeast Creek is a critical natural area. He added that visitors to this area would likely be able to see the tower from this vantage point. He asked that this area be included in the view shed analysis. He further stated that buffering the project and requiring the land owner to maintain those buffers would be benefit the aesthetic value of the project.

The Board reviewed the list of waivers proposed by the applicant.

Ms. Williams moved to grant all waivers requested with the provision that the applicant provide a statement from the Assessor verifying whether the site should be assigned an E- 911 address. Ms. Stevens- Rosa seconded the motion and the Board voted unanimously to approve the motion.

Ms. Williams moved to find the application incomplete and continue the hearing subsequent to the receipt of a visual impact study and other items listed in Section 125-69T Ms. Stevens-Rosa seconded the motion.

Ms. Krieg clarified that the best course of action might be to leave the project on the agenda and continue the hearing to the August 19, 2009 meeting. The applicant stated they plan to finish the viewshed analysis by September 2, 2009 at which point the submittal could be deemed complete and a public hearing scheduled.

Ms. Williams amended her motion to accept the changes noted above. The Board voted unanimously to continue the hearing to the September 2, 2009 meeting date.

B. Continuation of a Public Hearing – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113-118, 122, 123, 143, 144, 146, 147, 149

Applicant: North South Construction Inc.

Application: Hotel and Accessory Uses

The Board determined they would grant the applicant an hour and a half for review.

Mr. Salvatore, the project representative, stated that they are not trying to meet the parking requirements by using grandfathered spaces.

Ms. Krieg provided a summary of the Parking and Traffic Committee meeting that occurred earlier in the day. She stated that the application was tabled to the August 19, 2009 meeting to allow time to notify abutters.

The applicant provided an overview of the number of parking spaces proposed and a breakdown of how they propose to meet their parking requirement. Mr. Moore noted there are 86 spaces within the parking deck, two handicap spaces, and 37 green space credits. He added that with this breakdown they have an excess of 3 spaces.

Mr. Jardine noted that the green space area adjacent to the parking deck measuring 2,072 square feet should not be included in the green space credit area. The Board and the applicant debated this issue at length. Notably, the discussion centered on the distinction between lot line and street line and whether the two are in fact synonymous. Ms. Krieg ultimately recommended the Board utilize the language in Section 125-67.B(1) as part of their determination.

Mr. Cochary stated he is not comfortable ruling on this green space credit given the ambiguity surrounding the floating right of ways.

Mr. Cochary asked the applicant to clarify where the entrances and exits to the building would be located on both the site plan and architectural plans. The applicant stated that there would be no doors to access the commercial space from West Street. Ms. Stevens-Rosa added there may be life/safety code issues if there is only internal access to the commercial space. Ms. Stevens-Rosa stated that she would like entrances added to the hotel from West Street.

Mr. Ed Bearer representing Mr. Witham spoke. He asked that the Code Enforcement office do an onsite inspection to verify the number of spaces at the Harborside Hotel. He added that the right of way issues should be clarified. He further asked that the green space be calculated by a formal survey.

Mr. Moore clarified that a stamped survey had been submitted.

Ms. Stevens-Rosa added that a clear plan delineating the walkways is necessary for a complete understanding of the project.

Mr. Cochary asked that the Planning Department and the applicant schedule a meeting to discuss whether the demolition of 18 parking spaces at the corner of West and Rodick Street (currently used by the Harborside Hotel) would impact the Harborside's ability to comply with its parking requirement.

Mr. Jardine moved to continue the hearing to the August 19 meeting. Ms Williams seconded the motion and the Board voted unanimously to approve the motion.

VI. OTHER BUSINESS

A. Discussion of Planning Board Rules and Procedures

The Board tabled this discussion for the next meeting.

B. Discussion of Street Ordinance

The Board discussed the benefits of a second means of egress for subdivisions. Mr. Cochary asked Ms. Krieg to clarify how the Board should approach deliberations for properties that are not able to meet the two means of ingress and egress standard. Ms. Krieg stated she would outline the issues for the Board. Mr. Cochary added that reasons for granting a modification of standards would be helpful.

VII. PLANNING DIRECTOR'S REPORT**A. Check in on Town Hill Mini-Plan**

Council requested to meet with the Board for a joint workshop on September 23 at 6pm in the Council chambers.

B. Establishing a Timeline for Substantial Completion of a Project

Ms. Krieg discussed the possibility of adding a timeline requirement for applicants to complete a project. She added that an As-Built survey would also add to the completeness of the record.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

IX. ADJOURNMENT

Ms. Stevens Rosa moved to adjourn the meeting. Ms Williams seconded the motion and the Board voted unanimously to approve the motion. The meeting was adjourned at 8:35pm

Minutes prepared by Staff Planner Brian Madigan for Planning Board Review at their August 19, 2009 meeting

Signed as approved:

Clyde L. Jardine, Jr., Secretary
Planning Board, Town of Bar Harbor

Date